

POLICY AND COMMUNICATIONS BULLETIN

THE CLINICAL CENTER

Medical Administrative Series

M81-3 (rev.)

2 September 1997

MANUAL TRANSMITTAL SHEET

SUBJECT: Patient Room Searches

1. Explanation of Material Transmitted: Clinical Center staff generally do not invade those portions of a patient's room in which the patient would have a reasonable expectation of privacy without first obtaining the patient's consent. Exceptional situations do arise, however, in which the patient's medical condition necessitates such a search. This issuance sets forth factors that should be considered as well as the procedure to be followed in deciding whether to conduct a search. The policy was reviewed by the Medical Executive Committee on 2 September 1997 and approved with no changes.
2. Material Superseded: MAS No. 81-3 (rev.), dated 1 October 1989
3. Filing Instructions: "Other" Section

Remove: No. 81-3 (rev.), dated 1 October 1989

Insert: No. M81-3 (rev.), dated 2 September 1997

DISTRIBUTION

Physicians, Dentists and Other Practitioners Participating in
Patient Care

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SUBJECT: Patient Room Searches

PURPOSE

The Clinical Center has always sought to preserve the privacy of its patients to the greatest extent possible. To this end, Clinical Center staff generally do not invade those portions of the patient's room in which the patient would have a reasonable expectation of privacy, without first obtaining the patient's consent. Exceptional circumstances do arise, however, in which the patient's medical condition necessitates a search of those traditionally "private" portions of the patient's room without first obtaining the patient's consent. Those situations include instances in which the patient may be hiding objects or substances capable of causing the condition for which treatment or diagnosis is sought, or which otherwise endanger the patient's health. This policy sets forth the factors that should be considered and the procedure to be followed in deciding whether to conduct such a search.

POLICY

It is the policy of the Clinical Center that those traditionally "private" portions of a patient's room, in which he or she would have a reasonable expectation of privacy, must not be searched by Clinical Center personnel without first obtaining the patient's consent. However, exceptional situations may arise in which a search without prior consent or knowledge of the patient is necessary.

FACTORS

The following factors should be considered in making a decision to conduct a room search without first obtaining the patient's consent:

1. The advisability of attempting to obtain the patient's consent.
2. The particular patient's expectation of privacy in the area to be searched and the reasonableness of that expectation.
3. The potential harm to doctor-patient and nurse-patient relationships in conducting a search without the patient's consent or knowledge.
4. The danger to the patient (physical or psychological) in not conducting the search or, alternatively, in conducting the search without the patient's prior consent or knowledge.
5. The advisability of informing the patient of the intention to conduct the search but without securing approval or of informing him or her after the search is conducted.
6. The advisability of informing the patient's next-of-kin of the intention to conduct the search, or of informing them after the search is conducted.

PROCEDURE

1. The attending physician should first decide whether there is reasonable cause to believe that a room search is medically necessary and whether obtaining the prior consent of the patient is advisable.
2. If the decision has been made that the search is necessary and that obtaining the patient's prior consent would not be advisable, written permission to conduct the search must be obtained from the Clinical Director.
3. The reasons for the search procedure should be documented in the patient's chart.

4. The Clinical Director may refer the matter to the Director, Clinical Center, for decision.
5. The Director, Clinical Center, may render a decision alone or may appoint an ad hoc committee to decide the matter. The committee would normally consist of the Clinical Center bioethicist as the chair, and such other persons as the Director may appoint.

APPLICABILITY

This policy applies to searches conducted for medical reasons, that is, to protect the health and well being of the patient. Where a search is contemplated for law enforcement purposes, such as to uncover evidence of illegal drugs or weapons for the purpose of initiating a criminal proceeding, the Clinical Center administration will ask NIH security to conduct the search.